

NEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 2, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Sunworld International Airlines, Inc.** filed **10/23/97** in Docket **OST-97-3043** for:

**XX** Exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Cincinnati, Ohio, and St. Croix, U.S. Virgin Islands, on the one hand, and St. Maarten, Netherlands Antilles, on the other.**

Vacation Travel International, Inc. filed an answer urging the Department to dismiss or defer action on Sunworld's application until the Department has reached a decision on Sunworld's pending certificate renewal applications in Dockets OST-95-666 and OST-95-667. Sunworld filed a reply stating that it has previously established its fitness as an air carrier, and that Vacation Travel's objection is merely an attempt to "gain economic leverage over Sunworld in connection with an isolated commercial incident that occurred almost 9 months ago." (Reply of Sunworld, at 2).

Applicant rep.: **Josh Romanow, 202-775-9864** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted in part (see remarks)*

**XX** *Balance dismissed*

The above action was effective when taken: **December 2, 1997,** through **December 2, 1998**

**XX** Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)

**XX** Authority granted is consistent with the aviation agreement between the United States and the Netherlands.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX Holder's certificate of public convenience and necessity**

**XX Standard Exemption Conditions (attached)**

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**Remarks:** Consistent with Department practice in comparable cases, we have granted Sunworld's application to the extent it seeks authority to serve St. Maarten from Cincinnati and St. Croix as proposed in its application. We dismissed, without prejudice, its exemption request to the extent it sought broader U.S.-St. Maarten authority from unnamed U.S. cities.

We were not prepared to withhold the requested authority based on the answer filed by Vacation Travel. Sunworld has previously been found fit to provide scheduled foreign air transportation (Order 96-8-10). The fitness issues raised by Vacation Travel are under consideration in Sunworld's certificate renewal proceeding (Dockets OST-95-666 and 95-667) and are appropriately considered there rather than in this case. Pending final Department action in those cases, the existing fitness determination remains in effect, and we found that grant of this bilaterally provided for authority was consistent with the public interest. Should the Department subsequently determine Sunworld is not fit to provide scheduled foreign air transportation, then we would, of course, proceed to revoke the exemption authority granted here.